
STATUTORY INSTRUMENTS

1995 No. 2630

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The Mental Health Act Commission
(Amendment) Regulations 1995**

Made - - - - *9th October 1995*
Laid before Parliament *10th October 1995*
Coming into force - - *1st November 1995*

The Secretary of State for Health, in exercise of the powers conferred on him by section 16 of and paragraph 12 of Schedule 5 to the National Health Service Act 1977(1), and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Mental Health Act Commission (Amendment) Regulations 1995 and shall come into force on 1st November 1995.

(2) In these Regulations, “the principal Regulations” means the Mental Health Act Commission Regulations 1983(2).

(3) In these Regulations, unless the context requires otherwise, references to a numbered regulation shall be construed as references to the regulation bearing that number in the principal Regulations.

Amendment of regulation 7 of the principal Regulations

2.—(1) For paragraph (1) of regulation 7 (committees and sub-committees) there shall be substituted the following paragraph:

“(1) The Secretary of State shall appoint a committee of the Commission to be known as the Management Board whose members shall be—

(1) 1977 c. 49; see for the meaning of “regulations”, section 128(1), as amended by section 26(2) of the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”); section 16 has been amended by Schedule 1, paragraph 36, Health Services Act (c.53) and Schedule 10 to the 1990 Act; paragraph 12 of Schedule 5 has been amended by Schedule 1, Part III, paragraph 9 of the 1990 Act.
(2) S.I. 1983/894 as amended by S.I. 1990/1331.

- (a) the chairman of the Commission who shall be the chairman of the Management Board;
 - (b) The vice-chairman of the Commission;
 - (c) three further members of the Commission appointed by the Secretary of State;
 - (d) the chief executive of the Commission;
 - (e) the director of Finance of the Commission; and
 - (f) any person who may be appointed or co-opted under paragraph (1A).
- (1A) The Management Board may include—
- (a) not more than two persons who are not members of the Commission and who are appointed by the Secretary of State; and
 - (b) not more than two persons who are members of the Commission and who are co-opted by the Management Board.”.

(2) In paragraph (2) of regulation 7 for the words “that Committee” there shall be substituted the words “the Management Board” and for the words “central policy committee” there shall be substituted the words “Management Board”.

(3) After sub-paragraph (b) of paragraph (2) of regulation 7 there shall be inserted a new sub-paragraph (bb) as follows:

“(bb) the management of the activities of the Commission;”.

(4) In paragraph (4) of regulation 7 for the words “consisting wholly of members of the Commission” there shall be substituted the words “consisting of members of the Commission and persons who are not members of the Commission but are members of the Management Board”.

(5) For paragraph (5) of regulation 7 there shall be substituted the following paragraph:

“(5) The Management Board may, subject to such directions as may be given by the Secretary of State or the Commission, appoint sub-committees consisting—

- (a) wholly of members of the Management Board; or
- (b) wholly of members of the Commission; or
- (c) partly of members of the Management Board who are not members of the Commission and partly of members of the Commission.”.

Amendment of regulation 8 of the principal Regulations

3. After paragraph (3) of regulation 8 (meetings and proceedings) there shall be added the following paragraphs:

“(4) The meetings and proceedings of the Management Board shall be conducted in accordance with Standing Orders made under paragraph (5) of this regulation.

(5) Subject to such directions as may be given by the Commission, the Management Board shall make, and may vary or revoke, Standing Orders for the regulation of their proceedings and business and provision may be made in those Standing Orders for the suspension of those Orders.”.

Signed by authority of the Secretary of State for Health

9th October 1995

John Bowis
Parliamentary Under-Secretary of State
Department of Health

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of this Regulation)

These Regulations amend the Mental Health Act Commission Regulations 1983 by providing for the appointment of a management committee of the Commission to be known as the Management Board in place of the central policy committee. The Regulations provide for the membership of the Management Board and for its proceedings (regulations 2 and 3).